UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW MEXICO

In re:

MBF INSPECTION SERVICES INC.,

Debtor. Case No. 18-11579

Chapter 11

MOTION FOR AN ORDER FIXING TIME FOR FILING PROOFS OF CLAIMS
APPROVING CLAIM FORMS, AND APPROVING MANNER AND FORM OF NOTICE

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

MBF INSPECTION SERVICES INC., the debtor in the above-captioned Chapter 11 reorganization case, by and through their attorneys undersigned, respectfully request that the Court enter an Order: (i) fixing the time within which proofs of claims against the estate of the Debtor are to be filed in the Reorganization Case; (ii) approving the form of proof of claim that a Statutory Labor Claimant (defined below) would use in filing a claim against Debtor; (iii) approving the form of notice; and (iv) approving the proposed procedure for giving notice of the bar date proposed by the Debtor. Under the circumstances of the Reorganization Case, it is necessary and appropriate for the Court to set a bar date for proofs of claim. The Debtor proposes the date that is one hundred (100) days after service of the notices of the claims bar date as ordered by the Court as the appropriate bar date under the circumstances of the Reorganization Case.

2. In addition, the Debtor proposes that they be ordered to send such notices no later than ten (10) days after entry of the order approving the Motion. As set forth herein, the Debtor intends to give a very broad notice of the Claims Bar Date in an effort to provide a wide-ranging notice designed to try and reach as many Labor Claimants (defined below) as possible.

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To give notice of the Claims Bar Date to the Labor Claimants (defined below), MBF propose to mail the following to their respective Master Mailing List:

- 1. The Labor Claim Form (see attached Exhibit A.)
 - a. The Labor Claimants are lay people who, in many cases, will be unrepresented. To the extent certain Labor Claimants (defined below) may not be aware prior to passage of the Claims Bar Date that they may have a claim against the Debtors, such that the applicable state statute of limitations may not have expired as to that particular Labor Claimant, the Debtor intends to seek appointment of a Claims Representative who will, among other things, file a proof of claim on behalf of the Future Labor Claimants.
 - b. Labor claimants are herein deemed any person who holds or purports to holds a claim against the debtor based on state or federal labor or wage and hour statute, rule or regulation or some combination thereof.
- 2. Notice and Instructions of Claims Bar Date. To give notice of the Claims Bar Date to all other claimants, MBF propose to mail the following to their respective Master Mailing List:
 - i. Notice of Claims Bar Date (see attached Exhibit B)
- 3. Additionally, the Debtor proposes to give notice by requesting that the Notice of Claims Bar Date (Exhibit B) be published in USA Today by paid ad and in the Wall Street Journal by paid ad and the The Notice of Claims Bar Date will be placed as a public service announcement on Debtor's website.
- 5. This Motion presents a "core proceeding" over which the Court has jurisdiction to enter a final order under 28 U.S.C. §§ 157 (A) & (B), and 1334. The statutory predicates of this

Motion are 11 U.S.C. §§ 501 and 502, proceedings on which are governed by Bankruptcy Rule 3003 and 2002.

RESPECTFULLY SUBMITTED this 12th day of September, 2018

B.L.F., LLC PC

/s/ electronically signed
Jennie Deden Behles
P.O. Box 7070
Albuquerque, NM 87194-7070
(505) 242-7004, (505) 242-7066
jennie@jdbehles.com

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing on September 12th, 2018 via the notice transmission facilities of the Bankruptcy Court's CM/ECF system on the following parties:

Leonard Martinez-Metzgar United States Trustee P.O. Box 608 Albuquerque, NM 87103

Email: leonard.martinez-metzgarusdoj.gov

James A, Roggow Roggow Law LLC 205 W Boutz Rd Bldg 2 Ste C Las Cruces, NM 88005-3259 Email: jaroggow@qwestoffice.net

Louis Puccini Jr.
Robert D. Gorman P.A.
P.O. Box 25164
Albuquerque, NM 87125-0164
Email: louis@rdgormanlaw.com

By: <u>s/filed electronically</u>
Jennie Deden Behles

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW MEXICO		PROOF OF CLAIM	
Name of Debtor: MBF Inspection Services Inc.	Case Number: 18-11579-11		
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of administrative expense may be filed pursuant to 11 U.S.C. § 503.	of the case. A re	quest for payment of an	
Name of Creditor (the person or other entity to whom the debtor owes money or property):	Check this box to indicate that this claim amends a previously filed		
Name and address where notices should be sent:	claim. Court Claim Number:		
	(If known)	Trumber.	
Telephone number:	Filed on:		
Name and address where payment should be sent (if different from above):	Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.		
Telephone number:	Check this box if you are the debtor or trustee in this case.		
1. Amount of Claim as of Date Case Filed: \$	5. Amount o	f Claim Entitled to	
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.	Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the		
If all or part of your claim is entitled to priority, complete item 5.	amount.		
Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		riority of the claim.	
2. Basis for Claim: (See instruction #2 on reverse side.)		☐ Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).	
3. Last four digits of any number by which creditor identifies debtor:		,	
3a. Debtor may have scheduled account as:	□ Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier − 11 U.S.C. §507 (a)(4). □ Contributions to an employee benefit plan − 11 U.S.C. §507 (a)(5).		
(See instruction #3a on reverse side.)			
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.			
Nature of property or right of setoff: Real Estate Motor Vehicle Other Describe:			
Value of Property: \$\text{Annual Interest Rate} \times_{\text{\sigma}}	☐ Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use — 11 U.S.C. \$507 (a)(7).		
Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ Basis for perfection:			
Amount of Secured Claim: \$ Amount Unsecured: \$	Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8).		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.			
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase		☐ Other – Specify applicable paragraph of 11 U.S.C. §507 (a)().	
orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)		Amount entitled to priority: \$0.00	
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.	*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
If the documents are not available, please explain:			
Date: Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the contemporary other person authorized to file this claim and state address and telephone number if different from the address above. Attach copy of power of attorney, if any.		FOR COURT USE ONLY	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

4. Secured Claim:

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

7. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

8. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature:

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

A creditor is a person, corporation, or other entity owed a debt by the debtor that arose on or before the date of the bankruptcy filing. See 11 U.S.C. §101 (10)

Claim

A claim is the creditor's right to receive payment on a debt owed by the debtor that arose on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. §507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's taxidentification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.), and any applicable orders of the bankruptcy court.

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW MEXICO

In Re: MBF Inspection Services, Inc. Debtor.	No. 18-11579-11 Chapter 11		
NOTICE OF CLAIMS BAR DATE			
THIS IS AN IMPORTANT NOTICE – YO YOU MAY WISH TO CONSULT AN ATTO NOTICE OF CLAIMS BAR FOR FILING PROO	PRNEY REGARDING THIS MATTER. DATE OF, 2018		
TO ANY CREDITORS OF THE DEBTOR IN THE ARE NOT ASSERTING CLAIMS VILATION O REGULATION.			
On, 2018, the United States Mexico (the "Court") entered an order (the "Claim Chapter 11 case setting, 2018 (the "proofs of claim ("Proof of Claim") may be filed ag all Entities (as defined below) including Government	Claims Bar Date") as the last date by which ainst MBF. The Claims Bar Date applies to		
KEY DEFIN	<u>ITIONS</u>		
As used in this Notice, the term "Claim" Debtor and in accordance with Section 101(5), Code"): (A) right to payment, whether or not su unliquidated, fixed, contingent, matured, unmatusecured, or unsecured; or (B) right to an equitable	ch right is reduced to judgment, liquidated, ured, disputed, undisputed, legal, equitable,		

As used in this Notice, the term "Entity" has the meaning given to it in Section 101(15) of the Bankruptcy Code, and includes person, estate, trust, governmental unit and the United States Trustee.

breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or

unsecured.

As used in this Notice, the term "Governmental Unit" has the meaning given to it in Section 101(27) of the Bankruptcy Code and includes the United States; State; Commonwealth;

District; Territory; municipality; foreign state; department, agency or instrumentality of the United States (but not a United States trustee while serving as a trustee under the Bankruptcy Code).

WHO MUST FILE A PROOF OF CLAIM AND THE DEADLINE TO FILE

- 1. <u>Claims Bar Date.</u> If you assert a claim against or interest in the Debtor, to preserve your right to be treated as a creditor or interest holder with respect to such claim or interest, for the purposes of voting and distribution, you must file a Proof of Claim by______, 2018 in the following circumstances:
- (i) If your claim or interest has not been listed in the Debtor's bankruptcy schedules ("Schedules");
 - (ii) If you disagree with the amount of the claim or interest set forth in the Schedules;
 - (iii) If the Debtor scheduled your claim as disputed, contingent and/or unliquidated;
- (iv) To preserve an unsecured deficiency claim if such claim is not scheduled or is scheduled as disputed, contingent, and/or unliquidated;
- (v) If you believe your claim is entitled to priority under the Bankruptcy Code, and the Debtor did not so schedule your claim.

Any Proof of Claim or Interest timely filed by a creditor or interest holder will supersede any scheduled claim or interest. If your claim is scheduled as disputed, contingent, and/or unliquidated, the Debtor is required to so notify you.

- 2. Claims Bar Date for Governmental Units. If you are a governmental unit, the last day for filing proofs of claim is the later of: (i) the Claims Bar Date; or, (ii) one hundred eighty (180) days after the date of the order of relief.
- 3. Claims Filed After Amended Schedules Are Filed. If the Debtor amends the Schedules and the amendment reduces the liquidated amount of a scheduled claim or reclassifies a scheduled undisputed, liquidated, and non-contingent claim to a disputed, unliquidated, and/or contingent claim, then the claimant affected by such amendment shall be permitted to file proof of such claim only on or before the later of: (i) the Claims Bar Date; or, (ii) thirty (30) days after the mailing of notice of such amendment to such claimant with a copy of this Notice, but only to the extent such Proof of Claim, if filed after the Claims Bar Date, does not exceed the amount scheduled for such claim prior to such amendment. This extended claims bar date does not apply if an amendment to the Schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a Proof of Claim before the Claims Bar Date.
- 4. Claims Arising from Rejection of a Contract or Lease or Avoidance of a Transfer. The last day for filing proofs of claim arising from the rejection of an executory contract or unexpired lease, and/or the recovery of a voidable transfer, pursuant to Bankruptcy Code §§

502(g) and 502(h) respectively, is the later of: (i) the Claims Bar Date; or (ii) thirty (30) days after the mailing to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of this Notice.

CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM

If you are required but fail to file a Proof of Claim or Interest timely, and your claim or interest is not scheduled, is scheduled for \$0.00, or is scheduled as disputed, contingent or unliquidated in the Schedules, with very limited exceptions: (a) your claim or interest will be barred, and you will not participate in the Debtor's estate or receive any distribution under any plan or plans of reorganization filed in this Chapter 11 case; (b) you shall be forever barred from voting with respect to any such plan or plans of reorganization; and (c) you shall be bound by the terms of any such plan or plans of reorganization, if confirmed by the Court.

RESPONSIBILITY TO REVIEW THE SCHEDULES

You are responsible for determining that your claim or interest, including its amount, is accurately scheduled by the Debtor. This determination may be made by: (a) reviewing the Schedules online using a CM/ECF or PACER account; (b) reviewing the Schedules in the Office of the Clerk, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd. NW, Suite 360, Albuquerque, NM 87102 between 8:30 am and 4:30 pm; or (c) by contacting the Debtor's attorney: Jennie D. Behles, B.L.F. LLC P.). Box 7070, Albuquerque, NM 87194-7070, (505) 242-7004.

PREVIOUSLY FILED CLAIMS

Creditors who have already filed Proofs of Claims or Interests need not file them again.

CALCULATION OF TIME

Pursuant to Bankruptcy Rule 9006(f), three (3) days will be added to the thirty (30) day deadlines set forth in paragraphs 3 and 4 above and three (3) days will not be added to the deadline set forth in paragraphs 1 or 2. However, if any deadline falls on a weekend or legal holiday, the deadline shall be the next business day.

PROCEDURE FOR FILING PROOFS OF CLAIM

If you wish to assert a Claim, you are required to use the Form that has been approved by the Bankruptcy Court for use by creditors who are not asserting claims based upon sexual abuse (the "Other Creditor Proof of Claim Form"). If you did not receive the Other Creditor Proof of Claim Form with this Notice, it can be downloaded from the MBF website at

www.mbfinspection.com and follow the link on the homepage. If you need additional information regarding the Other Creditor Proof of Claim Form or other matters associated with the Claims Bar Date, you can also call Jennie D. Behles, the attorney, at 505-242-7004; however, please note that Ms. Behles cannot give you legal advice. Failure to use the Other Creditor Proof of Claim Form to assert a Claim may lead to such Claim being barred even if it was otherwise properly filed.

If you are a creditor asserting a Claim, worker, or other person or entity associated with the Entity, there is a special Proof of Claim form that you should use which can also be obtained at www.mbfinspection.com or by calling 575-625-0599.

A signed original of a completed Other Creditor Proof of Claim Form, together with any accompanying or supporting documentation, if not filed electronically, must be delivered by hand delivery, United States Mail or other delivery means to the address below so as to be received no later than ______, 2018.

A signed completed Other Creditor Proof of Claim Form, together with any accompanying or support documentation, must be filed electronically, submitted in person or by courier service, hand delivery or mail addressed to the Clerk of the Court at the following address:

Clerk's Office
The United States Bankruptcy Court
District of New Mexico
Pete V. Domenici U.S. Courthouse
333 Lomas Blvd. NW, Suite 360 • Albuquerque, NM 87102
Office Hours: M-F 8:30AM-4:30PM
(505) 415-7999 • Toll Free (866) 291-6805
General Email: web ops@nmb.uscourts.gov

Proofs of Claim submitted by facsimile or e-mail (other than electronic filing in accordance with electronic filing procedures) will not be accepted and will not be deemed filed until the Proof of Claim is submitted by one of the methods described in the foregoing sentence. Proofs of Claim will be deemed filed only when actually received by the Clerk of the Court. If you wish to receive acknowledgement of the Court's receipt of your Proof of Claim, you must also submit, by the Claims Bar Date and concurrently with submitting your original Proof of Claim, (a) a copy of your original Proof of Claim and (b) a self-addressed, stamped return envelope. Other Creditor Proof of Claim Forms must include all documentation required by Federal Rules of Bankruptcy Procedure 3001(c) and 3001(d) and the Other Creditor Proof of Claim Form, including a copy of any written document that forms the basis of the Claim.

(Please Note: If you are going to personally deliver the Other Creditor Proof of Claim Form to the Clerk's office or have someone deliver it on your behalf, the filing window is only open on Court days until 4:30 p.m. Mountain time, and you may need to arrive at the Clerk's office by 3:00 p.m. due to wait times in order for your Proof of Claim to be timely filed. The street address for hand delivery is: Office of the Clerk, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd. NW, Suite 360, Albuquerque, NM 87102.

YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.

DATED this ___ day of , 2018.

B.L.F., LLC PC

/s/ electronically signed
Jennie Deden Behles
P.O. Box 7070
Albuquerque, NM 87194-7070
(505) 242-7004, (505) 242-7066
jennie@jdbehles.com

CERTIFICATE OF SERVICE

The undersigned certifies that on ______, a copy of this "Notice of Claims Bar Date" was served by United States first class mail on all parties on the official mailing list maintained by the Clerk of the Bankruptcy Court for this case, all at their addresses on such mailing list [and to, insert if applicable].

Leonard Martinez-Metzgar United States Trustee P.O. Box 608 Albuquerque, NM 87103

Email: <u>leonard.martinez-metzgarusdoj.gov</u>

James A, Roggow Roggow Law LLC 205 W Boutz Rd Bldg 2 Ste C Las Cruces, NM 88005-3259 Email: jaroggow@qwestoffice.net

Louis Puccini Jr.
Robert D. Gorman P.A.
P.O. Box 25164
Albuquerque, NM 87125-0164
Email: louis@rdgormanlaw.com

By: <u>s/filed electronically</u> Jennie Deden Behles